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To: Commissioner for Patents for **Examiner Maikhanh Nguyen** **Group Art Unit 2176**	Facsimile No.: **571/273-8300**
From: Jane M. Roberts Legal Assistant to James O. Skarsten	No. of Pages Including Cover Sheet: 34

Message:

Enclosed herewith:

- Transmittal of Supplemental Appeal Brief; and
- Supplemental Appeal Brief.

Re: Application No. **09/820,508**
Attorney Docket No: **AUS920010012US1**

Date: Friday, April 21, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Dutta et al.**

Serial No.: **09/820,508**

Filed: **March 29, 2001**

For: **Presentation of Salient Features in a Page to a Visually Impaired User**

§ Group Art Unit: **2176**
§
§ Examiner: **Maikhanh Nguyen**
§
§ Attorney Docket No.: **AUS920010012US1**
§

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By: Jane M. Roberts
Jane M. Roberts

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TRANSMITTAL OF SUPPLEMENTAL APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
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Sir:
ENCLOSED HEREWITH:

- Supplemental Appeal Brief (37 C.F.R. 41.37)

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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Docket No. AUS920010012US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Dutta et al.**	§	
	§	Group Art Unit: **2176**
Serial No. **09/820,508**	§	
	§	Examiner: **Maikhanh Nguyen**
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By: 
Jane M. Roberts

SUPPLEMENTAL APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on February 21, 2006.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF SUPPLEMENTAL APPEAL BRIEF.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-39

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 3, 12, 14, 20, 24, 28-32, 35-39
2. Claims withdrawn from consideration but not canceled: 10 and 22
3. Claims pending: 1-2, 4-11, 13, 15-19, 21-23, 25-27 and 33-34
4. Claims allowed: NONE
5. Claims rejected: 1-2, 4-11, 13, 15-19, 21-23, 25-27 and 33-34
6. Claims objected to: NONE

C. CLAIMS ON APPEAL

The claims on appeal are: 1-2, 4-9, 11, 13, 15-19, 21, 23, 25-27 and 33-34

STATUS OF AMENDMENTS

An amendment after Final Rejection was not filed. Therefore, Claims 1-2, 4-9, 11, 13, 15-19, 21, 23, 25-27 and 33-34 on appeal herein are as amended in the Response to Office Action filed November 12, 2004, and as set forth in the Appeal Brief filed August 19, 2005.

SUMMARY OF CLAIMED SUBJECT MATTER

A. CLAIM 1 - INDEPENDENT

The subject matter of Claim 1 is directed to a method for presenting content in a document, such as Internet web pages. The method may particularly benefit visually impaired persons by enabling them to obtain a readily useable summary or overview of web pages or the like. A first step of Claim 1, taught in the specification at page 7, lines 23-32 recites parsing the document for one or more salient features that collectively provide an overview of the document. The specification at page 7, lines 23-27 teaches the second step of Claim 1, that is, initially presenting the document overview to a user in a manner other than visually, the presented document comprising only the collective salient features and excluding any other document portions. **Figure 1** shows a server **104** and client **108** for use in implementing these steps. The steps are also shown as steps **700, 710** and **704** of **Figure 7**. At page 8, lines 7-12, the specification teaches, as further recited in Claim 1, that a particular one of the other document portion is presented to a user only in response to a request from the user for the particular portion. This is also taught at page 18, lines 6-11, in connection with steps **706** and **708** of **Figure 7**.Thus, a visually impaired or other person will receive other document portions only if he or she desires to do so.

B. CLAIM 13 – INDEPENDENT

The subject matter of Claim 13 is directed to a data processing system for presenting content in a document, such as data processing system **300** shown in **Figure 3**. The specification, at page 12, lines 8-13, teaches that a browser **400** may be located at system **300**. Claim 13 recites a parsing means for parsing the document for a salient feature. This means could be component **412** of browser **400**, which identifies salient features in a document as taught in the specification at page 13, lines 23-25. Claim 13 further recites a presenting means, responsive to locating salient features within a document for presenting them in a non-visual manner, and a determining means for determining whether to present additional portions of the document. The specification, at page 13,

lines 29-32, teaches that the presentation may be in audio form. Thus, the presentation means is supported, for example, by audio adapter **316** shown in **Figure 3** in cooperation with display **418** of **Figure 4**. The determining means is supported in the specification by collective teachings at page 14, lines 3-6, graphical display **418** of **Figure 4**, at page 18, lines 5-11, and step **706** of **Figure 7**.

C. CLAIM 19 – INDEPENDENT

The subject matter of Claim 19 is directed to a data processing system, such as system **300** of **Figure 3**, and includes a bus system, communications unit, memory and processing unit. These elements are respectively shown, for example, by bus **306**, LAN adapter **310**, memory **304** and processor **302** of **Figure 3**, and taught at page 10, lines 17-24. The processing unit executes a set of instructions to carry out parsing, presenting and determining operations. These operations are taught in the specification at page 14, lines 24-27, at page 14, lines 27-28, and at page 18, lines 6-8, respectively.

D. CLAIM 23 – INDEPENDENT

The subject matter of Claim 23 is directed to a computer program product in a computer readable medium for presenting content in a document. The claim is a computer program product counterpart claim to system Claim 13.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. GROUND OF REJECTION 1 (Claims 1-2, 4-9, 11, 18 and 25-27)

Claims 1-2, 4-9, 11, 18 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,564,186 (Kiraly et al.).

B. GROUND OF REJECTION 2 (Claims 13, 15-17, 19, 21, 23 and 33-34)

Claims 13, 15-17, 19, 21, 23 and 33-34 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,564, 186 (Kiraly et al.).

ARGUMENT

Recent Proceedings in Present Application

In a Final Office Action dated March 23, 2005, the Examiner rejected Claims 1-2, 4-9, 11, 18 and 25-27 as being obvious under 35 U.S.C. § 103(a), in view of the Kiraly et al. patent combined with U. S. Patent No. 5,586,196, to Sussman. Claims 13, 15-17, 19, 21, 23 and 33-34 were rejected under 35 U.S.C. § 102(e), as being anticipated by Kiraly. In response to this Final Office Action, Applicants filed a Notice of Appeal on June 23, 2005, and filed a corresponding Appeal Brief on August 19, 2005.

On November 21, 2005, the Examiner mailed an Office Action (hereinafter "Current Office Action"), whereby prosecution in the above application was reopened. In the Current Office Action, Sussman was apparently withdrawn as a reference against Applicants' claims. However, the Current Office Action rejected Claims 1-2, 4-9, 11, 18 and 25-27 under 35 U.S.C. § 103(a) as being obvious in view of the Kiraly patent alone. Claims 13, 15-17, 19, 21, 23 and 33-34 were again rejected under 35 U.S.C. § 102(e) as being anticipated by Kiraly. In view of these rejections, Applicants hereby request reinstatement of the Appeal.

A. GROUND OF REJECTION 1 (Claims 1-2, 4-9, 11, 18 and 25-27)

Claims 1-2, 4-9, 11, 18 and 25-27 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,564,186 (Kiraly et al.).

Independent Claim 1 reads as follows:

> 1. A method in a data processing system for presenting content in a document, the method comprising the steps of:
>
> parsing the document for one or more salient features that collectively provide an overview of the document;
>
> initially presenting the document overview to a user in a manner other than visually, the presented overview comprising only the collective salient features and excluding any other portions of the document; and
>
> presenting a particular one of the other document portions to the user only in response to a request from the user for the particular portion.

A.1. Teachings and Purpose of Applicants' Claim 1

In reciting Claim 1, Applicants sought to make network resources, such as the World Wide Web of the Internet, available to visually impaired persons. While Claim 1 applies to users generally, Applicants were particularly concerned with persons who were blind or otherwise required to rely exclusively on audio communication tools, such as Home Page Reader (HPR) or other talking Web browsers. Applicants recognized that with such tools, users who are blind generally cannot be provided with a brief, readily useable summary or overview of web pages. This, of course, is a disadvantage not encountered by those who can visually read or inspect web pages. These concerns of Applicants are set forth in their specification, such as at page 3, lines 3-30 and at page 4, lines 1-4:

> Visually impaired users of the Web often rely on tools, such as a talking Web browser. An example of a talking Web browser is the Home Page Reader (HPR), which is available from International Business Machines Corporation (IBM). HPR is a spoken on-ramp to the Information Highway for computer users who are blind or visually impaired. HPR provides Web access by quickly, easily, and efficiently speaking Web page information. HPR provides a simple, easy-to-use interface for navigating and manipulating Web page elements. Using the keyboard to navigate, a user who is blind or who has a visual impairment can hear the full range of Web page content provided in a logical, clear, and understandable manner.
>
> In perceptual psychology, a notion of gestaltic comprehension is present in which the perception is manifested by understanding the whole rather than analyzing small parts and combining them. For example, when a user views a Web page, a quick glance is all that it takes for the user to decide whether to read the Web page. Often the quick glance is focused on the icons and/or pictures and some heavily enlarged or bolded headlines in the Web page. Unfortunately, with users who are blind, the gestaltic perception of the Web page is more difficult. Part of this difficulty occurs because speech is more sequential than vision.
>
> The present invention recognizes that one problem with talking browsers is that an overview of the page is unavailable because this type of Web browser moves from topic to topic in a sequential manner.

Claim 1 recites a method that addresses the above needs of the visually impaired. For convenience and brevity, respective steps of Claim 1 are referenced hereinafter as Steps (1), (2) and (3). Such nomenclature is to be understood to mean the following:

> Step (1): Parsing the document for one or more salient features that collectively provide an overview of the document.
>
> Step (2): Initially presenting the document overview to a user in a manner other than visually, the presented overview comprising only the salient features and excluding any other portions of the document.
>
> Step (3): Presenting a particular one of the other document portions to the user only in response to a request from the user for the particular portion.

A.2. Rejection of Claim 1

In the Current Office Action of November 21, 2005, the Examiner stated the following in rejecting Claim 1:

> **As to claim 1:**
>
> a. The rejection of claim 13 above is incorporated herein in full. Additionally, claim 1 further recites *"the presented overview comprising only the collective salient features and excluding any other portions of the document."*
>
> b. Kiraly does not specifically teach "the presented overview comprising only the collective salient features and excluding any other portions of the document". Kiraly, however,suggests *"generating synthesized speech signals representative of the highlighted word and rendering the synthesized speech signals audible synchronously with the displaying of the highlighted text such that text-based information and corresponding audible information can be perceived simultaneously by the user"* (col. 2, lines 42-47).
>
> c. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have applied Kiraly's teachings to *include "the presented overview comprising only the collective salient features and excluding any other portions of the document"* because it would have provided the capability for assisting user with visual impairment in document editing and retrieving information from the World Wide Web. **[Office Action dated November 21, 2006, pp. 6-7]**

In response, Kiraly does teach parsing a document for one or more salient features *(the text-reader software ... analyzes the entire text-based data source in preparation for highlighting portions of the text-based data; col.9, lines 23-34 and item 420, Fig.4).*

Applicant argues that *Kiraly fails to show presenting only the overview to a user in a non-visual manner.* (Remarks, page 16, 3rd full para.)

In response, Kiraly's teachings *"the text-reader software highlights the selected section of the text-based data ... the synthesized speech signals and the audio signals are rendered audible with the highlighting of the selected text"* (col. 10, lines 53-67 &col. 11, lines 20- 25 and item 460 in Fig.4) meet the limitations as claimed by Applicant.

Applicant argues that *Kiraly teaches away from an essential feature of presenting certain portions of a document to a user only in response to the user' s request.* (Remarks, page 16, 4th para.)

In response, Kiraly does teach presenting certain portions of a document to a user only in response to the user's request *(when a portion of a document is selected, the text-assistant software may be activated to electronically enunciate that particular portion of the document; col.8, lines 15-22).*

Applicant argues that *Kiraly does not teach parsing a document for salient features, nor taking such action to collectively provide a document overview.* (Remarks, page 17, 1st para.)

In response, Kiraly teaches parsing a document for salient features *(the text-reader software ... analyzes the entire text-based data source in preparation for highlighting portions of the text-based data; col.9, lines 23-34 and item 420, Fig.4).*

Applicant argues that Sussman does not teach initially presenting a document overview comprising only salient features, and excluding any other portions of the document. In response, Kiraly does

> suggest initially presenting a document overview comprising only salient features, and excluding any other portions of the document *(generating synthesized speech signals representative of the highlighted word and rendering the synthesized speech signals audible synchronously with the displaying of the highlighted text such that text-based information and corresponding audible information can be perceived simultaneously by the user; col. 2, lines 42-47).* **[Office Action dated November 21, 2006, pp. 9-10]**

From the above statements, it appears that the Examiner cites sections of Kiraly at col. 9, lines 23-34 and item 420 of Fig. 4, as teaching a portion of Step (1) of Applicants' Claim 1, that is, the portion thereof reading "Parsing the document for one or more for salient features." In the Final Office Action dated March 23, 2005, the Examiner also cited these same sections, as teaching the same portion of Step (1) of Claim 1:

> b. In response, the introduction of Sussman, as combined with Kiraly meets the limitations: Kiraly teaches parsing a document for one or more salient features (e.g., the text-reader software ... analyzes the entire text-based data source in preparation for highlighting portions of the text-based data; col. 9, lines 23-34 and item 420 in Fig.4); Sussman teaches provide an overview of the document (col.26, lines 48-67). **[Final Office Action dated March 23, 2006, p. 9]**

It is seen that in the prior Final Office Action, the Examiner cited a section from Sussman in order to show the remainder of Step (1), that is, the portion thereof reading "that collectively provide an overview of the document." However, the Sussman reference apparently has now been withdrawn against Claim 1 by the Current Office Action. Applicants have been unable to find any prior art citation in the Current Office Action, either from Kiraly or from some other reference, that is directed to the above remaining portion of Step (1) of Claim 1, or that addresses Step (1) in its entirety.

In regard to Steps (2) and (3) of Claim 1, the Examiner stated the following in the prior Final Office Action:

> b. Kiraly does not teach "the presented overview comprising only the collective salient features and excluding, any other portions of the document; and presenting a particular one of the other document portions to the user only in response to a request from the user for the particular portion." **[Final Office Action dated March 23, 2005, p. 6]**

In view of the deficiencies of Kiraly, observed by the Examiner in the prior Final Office Action, Sussman was cited against both Step (2) and Step (3) of Claim 1. Now, however, with the withdrawal of Sussman, certain sections of Kiraly are cited against Steps (2) and (3). From

the above comments taken from the Current Office Action, it appears that sections of Kiraly at col. 2, lines 42-47, col. 10, lines 53-67, col. 11, lines 20-25 and item 460 in Fig. 4 are cited in regard to Step (2) of Claim 1.

It further appears that a section of Kiraly at col. 8, lines 15-22 is cited in regard to Step (3) of Claim 1.

The above comments from the Current Office Action include the statement, "The rejection of Claim 13 is incorporated in full." Applicants address this statement hereinafter.

A.3. Step (1) of Claim 1 Distinguishes over Kiraly Reference

It is a fundamental principle that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied,* 460 U.S. 851 (1984)". **MPEP 2141.02.** In view of this principle, it is essential to ensure that the full and complete teachings of Kiraly are clearly understood. Accordingly, Fig. 4 of Kiraly, the Abstract, and sections thereof at col. 2, lines 33-57, col. 6, lines 32-38, col. 7, lines 10-15 and col. 9, lines 23-52 are set forth hereinafter. These sections include, of course, col. 9, lines 23-34 and item 420 of Fig. 4, the only excerpts of Kiraly cited in the Current Office Action in regard to Step (1) of Claim 1.

Abstract

A method of providing language assistance to a computer user with dyslexia, reading disabilities or visual impairment by presenting text-based information via multiple channels is provided. This technique effectively provides multiple channels of information to a user. Moreover, this method is useful for displaying text-based information to users having disabilities such as dyslexia, or for increasing the entertainment value of viewing a text document. This technique may be used for assisting users in editing documents and in retrieving information from the World Wide Web.

Particularly, the method of the present invention is implemented in a computer system or embodied in a computer-usable medium in the form of a computer program, and includes the steps of: accessing a source of text-based data, displaying text-based data in a text window with a standard font and size, and/or displaying a portion of the text-based data in another text window with a magnified font and size, sequentially highlighting the text-based data in one or both text windows one word at a time; and generating synthesized speech signals representative of the highlighted word and rendering the synthesized speech signals audible synchronously with the displaying of the highlighted text such that text-based information and corresponding audible information can be perceived simultaneously by the user. The present invention is particularly useful for displaying text-based information to users having reading disabilities such as dyslexia as the simultaneous

reinforcement of the audio and visual information renders the text-based data easily comprehensible. The present invention may also be used for assisting users with visual impairments in document editing and retrieving information from the World Wide Web. The present invention can yet be employed to increase the comprehension of and entertainment value of text-based information as displayed to computer users, especially young computer users. (Emphasis added). **[Col. 2, lines 33-57]**

Therefore, in the present embodiment, the text-reader software automatically displays portions of the text-based data containing the word that is currently being read aloud. Moreover, the text-reader software automatically scrolls the text-based data to display the appropriate portions in text windows 310 and 320 as the document is being automatically read. **[Col. 6, lines 32-38]**

In the present embodiment, the text-reader software highlights the text document one word at a time, and sequentially until all the words of the document have been highlighted. More particularly, the present text-reader software highlights the same word in both windows 310 and 320 simultaneously. (Emphasis added). **[Col. 7, lines 10-15]**

At step 420, the text-reader software of the present embodiment analyzes the entire text-based data source in preparation for highlighting portions of the text-based data. In this embodiment, text-reader software analyzes the entire text-based data source to determine its context, and may then automatically alter its highlighting parameters (e.g. highlighting style, foreground color, etc.) according to the context of the text-based data. For example, if the text-reader software determines that the text-based data constitutes a poem, then the text-reader software may automatically switch from word-by-word highlighting to phrase -by-phrase highlighting.

At step 422, the text-reader software of the present invention automatically selects a section of the text-based data to highlight. In the present embodiment, the text-based data is selected one word at a time. However, in another embodiment, the text-based data may be selected one phrase at a time or one sentence at a time, or a mixture of all of the above.

Synchronous with step 420, at step 430, the text-reader software analyzes the entire text-based data in preparation for generating speech output. In this embodiment, text-reader software analyzes the entire text-based data source to determine its context, and may then automatically alter its speech parameters (e.g. voice type, tone, pitch, etc.) according to the context. For example, if the text-reader software determines that the entire text-based data source constitutes a horror story, then the text-reader software will automatically select a creaky voice to create an eerie mood. (Emphasis added). **[Col. 9, lines 23-52]**

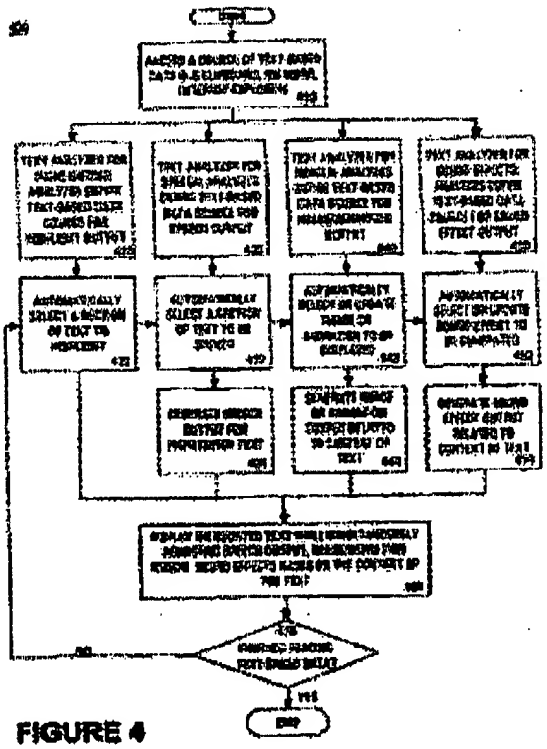

FIGURE 4

The purpose of Kiraly, as set forth for example at lines 1-3 of the Kiraly Abstract, is to provide "language assistance to a computer user with dyslexia, reading disabilities or visual impairment by presenting text-based information via multiple channels". The implementation of the Kiraly method is taught at the representative sections col. 2, lines 33-57 and col. 7, lines 10-15, set forth above. From statements in these sections, and particularly at col. 7, lines 11-12, it is clear that Kiraly teaches an arrangement wherein every word of displayed text-based data is highlighted "one word at a time, and sequentially until all the words of the document have been highlighted". (Emphasis added). Highlighted words are also represented by synthesized speech signals.

Clearly, these representative teachings of Kiraly do not disclose or suggest the Step (1) recitation of parsing a document for one or more salient features. Kiraly does not teach parsing a document, that is, breaking it down into constituent elements, in order to locate or identify the salient, or prominent, features of the document. Rather, Kiraly teaches presenting every word in

a document in sequential order, by means of highlighting and synthesized speech. Moreover, Kiraly fails to teach the further recitation of Applicants' Step (1), that is, parsing a document for one or more salient features that collectively provide an overview, i.e., a summary, of the document. The Kiraly arrangement clearly has no need for the overview of Claim 1.

In regard to the above Step (2) of Claim 1, since the Kiraly reference neither shows nor suggests provision of an overview of a document, such reference also fails to show the Step (2) teaching of initially presenting only the overview to a user in a non-visual manner. Moreover, as discussed above, Kiraly stresses that all the words of a document are to be highlighted for presentation to a user. This teaching of Kiraly is considered to emphatically teach away from an essential feature of Step (3) of Claim 1, that is, presenting certain portions of a document to a user only in response to the user's request.

As stated above, the sections of Kiraly at col. 9, lines 23-34 and Figure 4 are the only sections cited in the Current Office Action against Step (1) of Claim 1. However, the teachings of these sections are considered to be consistent with and supportive of the Kiraly teachings discussed above, in connection with columns 2 and 7 thereof. For example, at col. 9, lines 23-34, together with col. 9, lines 35-44 and Figure 4, Kiraly teaches that items 420 and 430 analyze the entire text-based data source in preparation for highlighting and speech output. These sections describe preparation for sequential highlighting of successive portions of a document, such as word by word or phrase by phrase. Clearly, this preparation activity neither teaches nor suggests that any word or phrase is being treated with more prominence or importance than another. Thus, these sections of Kiraly, in like manner with those previously discussed, do not teach or suggest parsing a document for salient features, nor taking such action to collectively provide a document overview. Accordingly, these sections cited in the Current Office Action likewise fail to disclose key features of Step (1) of Applicants' Claim 1.

A.4. Step (2) of Claim 1 Distinguishes over Kiraly Reference

As discussed above, the Current Office Action does not appear to cite any section of Kiraly in regard to the Step (1) recitation of parsing a document for one or more salient features that collectively provide an overview of the document. Clearly, provision of a document overview is an absolutely essential feature of Applicants' Claim 1. Since the Kiraly reference

neither shows nor suggests provision of an overview of a document, such reference also fails to show the Step (2) teaching of initially presenting only the overview to a user in a non-visual manner. Moreover, as discussed above, Kiraly stresses that all the words of a document are to be highlighted for presentation to a user.

As further discussed above, the Examiner indicated in the Current Office Action that Step (2) of Claim 1 is obvious in view Kiraly at col. 2, lines 42-47. This section of Kiraly discloses "generating synthesized speech signals representative of the highlighted word and rendering the synthesized speech signals audible synchronously with the displaying of the highlighted text such that text-based information and corresponding audible information can be perceived simultaneously by the user." However, the section of Kiraly immediately preceding the cited section, that is, col. 2, lines 40-42 of Kiraly, teaches "sequentially highlighting the text-based data in one or both text windows one word at a time;". Thus, the complete and entire teaching of this section of Kiraly is that synthesized speech signals must be sequentially generated, since they must be representative of the sequentially highlighted text-based data.

It is abundantly clear that this complete and entire teaching of Kiraly not only fails to disclose or suggest Step (2) of Claim 1, but in fact emphatically teaches away therefrom. Step (2) requires initially presenting an overview of a document to a user that comprises only the collective salient features of the document, and excludes any other document portion. For many or most classes of documents, the collective salient features required for document overview will not occur sequentially in the document. For such classes, the above teachings of Kiraly would have to be substantially modified, if they were to show the recitation of Step (2) of Claim 1. Specifically, synthesized speech signals would have to be generated that were not representative of the sequentially highlighted text-base data. This would substantially change a key principle of operation taught by Kiraly.

It is, of course, well understood that a reference cannot support prima facie obviousness against a claim, if the principle of operation of the reference would have to be modified in order to read on the claim. **MPEP 2143.01.**

In the Current Office Action, the Examiner also cited Kiraly at col. 10, lines 53-67 and col. 11, lines 20-25, and item 460 of Fig. 4, against Step (2) of Claim 1. These sections are set

forth hereinafter, together with col. 10, lines 38-52, to ensure that the complete teaching of this citation from Kiraly is thoroughly understood:

> At step 452, the text-reader software of the present invention automatically selects sound effects to be generated. In the present embodiment, step 452 is performed in synchronism with step 422. Further, the text-reader software selects the appropriate sound effects that relate to the context of the selected section of the text-based data. According to the present embodiment, the appropriate sound effects are selected from the keywords and rules database detailed below.
>
> At step 454, the text-reader software generates the audio signals that relate to the context of the selected section of the text-based data. Audio signals generation are well known in the art, and is therefore not described herein to avoid obscuring aspects of the present invention.
>
> At step 460, the text-reader software highlights the selected section of the text-based data. Significantly, according to that embodiment, the synthesized speech signals and the audio signals are rendered audible with the highlighting of the selected text. In addition, images that pertain to the highlighted text are simultaneously displayed. For example, with reference to the exemplary GUI 300 of FIG. 3, portions of the text-based data are displayed in windows 310 and 320. Further, in the embodiment as illustrated in FIG. 3, the word "eagle" is selected and highlighted in both windows 310 and 320. Synthesized speech signals enunciating the word"eagle" and sound effects imitating the shrieking of an eagle are rendered audible to the user 220 synchronously with the highlighting of the word "eagle". An image dipicting an eagle is displayed in window 330 synchronously with the highlighting of the word "eagle". (Emphasis added) **[Kiraly, col. 10, lines 38-67]**
>
> In the present embodiment, the text-reader software scans a predefined database that contains a list of keywords or key phrases and the names of the images to be displayed therewith, and audio or sound effects to be played when the corresponding keywords or key phrases are encountered in a document. In the present embodiment, the database may be defined by a user. (Emphasis added) **[Kiraly, col. 11, lines 20-25]**

It is very clear, such as at col. 10, lines 38-46 of Kiraly, that the sections cited at columns 10 and 11 disclose a feature for selecting appropriate sounds to accompany certain portions of text read by the Kiraly text reader. Thus, considering the full and entire teaching of these excerpts from Kiraly, it is seen that such excerpts neither disclose nor suggest presenting a document overview to a user that comprises only the collective salient features of the document. Thus, these excerpts fail to disclose or suggest an essential feature of Step (2) of Applicants' Claim 1.

Moreover, the cited excerpts clearly fail to show or suggest that any other portions of the document are to be excluded from presentation, as is further required by Step (2) of Claim 1. To the contrary, Kiraly at col. 11, lines 23-25, expressly teaches away from such excluding

requirement of Claim 1, by teaching that audio or sound effects are "to be played when corresponding" words or phrases are encountered in the text document.

A.5. Step (3) of Claim 1 Distinguishes over Kiraly Reference

In the Current Office Action the Examiner apparently cites a section of Kiraly at col. 8, lines 15-22, to show or suggest the recitation of Step (3) of Applicants' Claim 1. This section reads as follows:

> It should also be appreciated that the text-assistant software of the present invention may electronically enunciate only a selected portion of a document. For example, when a portion of a document is selected, the text-assistant software may be activated to electronically enunciate that particular portion of the document. If no particular portion is so selected, then, by default, the text reader software reads the entire document in the manner described herein.[Kiraly, col. 8, lines 15-22]

The above section of Kiraly appears to teach that a user can select a portion of a document to be read by the Kiraly arrangement, in the manner described in Kiraly. However, Kiraly clearly teaches, at col. 8, lines 19-22, that if "no particular portion is so selected", that is, if the user takes no action, by default the entire document will be presented in the described Kiraly manner.

Once again, by considering the entire teaching of Kiraly, it is seen that the above section of Kiraly expressly teaches away from the recitation of Step (3). Step (3), in the combination of Claim 1, requires that if a user fails to take action (by not requesting a particular other document portion), no other document portion will be presented. In stark contrast, according to the above cited section of Kiraly, if a user fails to take action (by not selecting a particular document portion), the entire document will be automatically read or presented. Thus, similar actions taken by a user according to Kiraly, and according to Step (3) of Applicants' Claim 1, have diametrically opposite results. Clearly, the above section of Kiraly cannot show or suggest Step (3) of Claim 1.

A.6. Kiraly Reference Cannot be Modified to Meet Claim 1 Recitations

As discussed above, it is a well established principle of patent law that a reference cannot be modified, if a proposed modification would render the prior art reference being modified unsatisfactory for its intended purpose. **MPEP 2143.01.**

In view of this principle, Kiraly cannot be modified to realize Applicants' Claim 1. As discussed above, in the Kiraly arrangement all the words of a document are to be sequentially presented to a user, such as word-by-word or phrase-by-phrase. This is emphasized in Kiraly, such as at col. 7, lines 10-15, at items 420 and 430 of Figure 4, and at col. 9, lines 32-34. In contrast, Step (3) of Applicants' Claim 1 requires that other portions of a document will be presented only if the user requests them. If Kiraly was modified to meet this requirement of Claim 1, the Kiraly procedure would no longer be able to present all the words of a document, whenever a user did not submit a request for all other portions.

Moreover, Step (2) of Applicants' Claim 1 teaches that initially, only the document overview, comprising collective salient features, would be presented to a user. Frequently, or most all of the time, the salient features making up the overview would not be words or phrases selected in sequential order from the document. Thus, Kiraly could not be modified to show Applicants' Step (2), without departing from the fundamental teaching of the Kiraly reference that document material is to be presented sequentially to a user.

In the Current Office Action, the Examiner did not cite any reference as providing a basis or motivation for modifying the Kiraly et al. reference to realize Applicants' Claim 1. Moreover, it is clear that Kiraly fails to teach or disclose the concerns and objectives of Applicants' Claim 1. That is, the Kiraly reference fails to disclose providing a user with an overview or summary of a document such as a web page, in a non-visual manner, and then furnishing other portions of the document only if the user requests such other portions. Accordingly, in the absence of Applicants' teachings, and relying solely on the disclosure of Kiraly, one of skill in the art would have no reason or motivation to modify such reference to realize Applicants' Claim 1.

For at least the above reasons, Claim 1 is neither anticipated by nor obvious in view of Kiraly et al., and should be allowable in its present form.

A.7. Reference to Claim 13 Rejection

In the Current Office Action, in regard to Claim 1 the Examiner stated that the "rejection of claim 13 above is incorporated herein." Applicants interpret this statement to mean that arguments in the Current Office Action rejecting Claim 13 are applied to Claim 1, to the extent

that Claims 1 and 13 have the same subject matter. However, Applicants consider that the combination of features recited by their Claim 1 is substantially different from the combination of features recited by their Claim 13.

A.8. Claims Dependent Upon Claim 1

Claims 2, 4-9, 11 and 25-27 respectively depend from and further restrict independent Claim 1, and are thus also not obvious in view of Kiraly et al., at least for the same reasons given in support thereof.

Claim 18, depending from independent Claim 13, was rejected in the Current Office Action under 35 U.S.C. § 103 in view of the Kiraly et al. reference. The Examiner apparently did not comment further on Claim 18 in the Current Office Action. Claim 18 is considered to patentably distinguish over the prior art, including Kiraly, for reasons given in support for Claim 1. Claim 18 is also considered to distinguish over the prior art for reasons set forth hereinafter in support of Claim 13.

At least for all of the above reasons, it is respectfully requested that the Board reverse the Examiner's rejection of Claims 1-2, 4-9, 11, 18 and 25-27.

B. GROUND OF REJECTION 2 (Claims 13, 15-17, 19, 21, 23 and 33-34)

Claims 13, 15-17, 19, 21, 23 and 33-34 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,564, 186 (Kiraly et al.).

Independent Claim 13 reads as follows:

> 13. A data processing system for presenting content in a document, the data processing system comprising:
> parsing means for parsing the document for a salient feature;
> presenting means, responsive to locating the salient feature within the document, for presenting the salient feature in a manner other than visually; and
> determining means for determining whether to present additional portions of the document.

B.1. Sections of Kiraly Reference Cited by Examiner

In the Current Office Action, in rejecting Claim 13, the Examiner stated the following:

As to Claim 13

MacKenty teaches data processing system for presenting content in a document (*Abstract and Fig.4*), the data processing system comprising:
(i) parsing the document for a salient feature (*e.g., the text-reader software ... analyzes the entire text-based data source in preparation for highlighting portions of the text-based data; col.9, lines 23-34 and item 420, Fig.4);*
(ii) response to locating the salient feature within the document for presenting the salient feature in a manner other than visually (*the text-reader software highlights the selected section of the text-based data ... the synthesized speech signals and the audio signals are rendered audible with the highlighting of the selected text; col.10, lines 53-67 & col.11, lines 20-25 and item 460 in Fig.4*); and
(iii) determining whether to presenting additional portions of the document(*the text-reader software automatically scrolls the text-based data to display the appropriate portions in text windows 310 and 320 as the document is being automatically read; col.6, lines 32-38 & the textreader software automatically selects a next section of the document; col.11, lines 9-12).*
[Office Action dated November 21, 2005, pp. 3-4]

From these statements of the Examiner, it is seen that the Examiner cited specific sections of Kiraly et al. in regard to Claim 13, including the Abstract; col. 6, lines 32-38; col. 9, lines 23-34; col. 10, lines 53-67; col. 11, lines 9-12; col. 11, lines 20-25; and items 420 and 460 of Fig. 4. The sections at col. 10, lines 53-67, col. 11, lines 9-12, and col. 11, lines 20-25 are set forth hereinafter, together with Col. 11, lines 26-56. The remaining sections were set forth previously. Applicants assume that the reference to "MacKenty" in the above statement was an oversight, and that the Examiner intended "Kiraly".

At step 460, the text-reader software highlights the selected section of the text-based data. Significantly, according to that embodiment, the synthesized speech signals and the audio signals are rendered audible with the highlighting of the selected text. In addition, images that pertain to the highlighted text are simultaneously displayed. For example, with reference to the exemplary GUI 300 of FIG. 3, portions of the text-based data are displayed in windows 310 and 320. Further, in the embodiment as illustrated in FIG. 3, the word "eagle" is selected and highlighted in both windows 310 and 320. Synthesized speech signals enunciating the word "eagle" and sound effects imitating the shrieking of an eagle are rendered audible to the user 220 synchronously with the highlighting of the word "eagle". An image dipicting an eagle is displayed in window 330 synchronously with the highlighting of the word "eagle".**[Kiraly, col. 10, lines 53-67]**

With reference still to FIG. 4, at step 470, the text-reader software determines whether all the words in the selected portion of the document have been read aloud. If it is determined that all the

words have been read aloud, or if it is determined that a user has stopped thetext-reader software, the process 400 returns. Otherwise, the text-reader software automatically selects a next section of the document (e.g. next word or next phrase), and the process is repeated. **[Kiraly, col. 11, lines 4-12]**

In the present embodiment, the text-reader software scans a predefined database that contains a list of keywords or key phrases and the names of the images to be displayed therewith, and audio or sound effects to be played when the corresponding keywords or key phrases are encountered in a document. In the present embodiment, the database may be defined by a user. A sample database is given in the following.

Sample Database
// TextAssist Sample Database
// Format description:
// keyword, *.bmp,*.wav
// (multiple filenames display multiple bitmaps or audio files)
// Pictures
eagle, eagle.bmp
Frank, frank.bmp
Parrot, parrot.bmp
// Pictures and Music
engine, engine.bmp, engine.wav
// Animated Sequence
creative, creative1.bmp, creative2.bmp, creative3.bmp

In the present embodiment, the text-reader software is capable of displaying bitmap files (.bmp files) and playing audio files (.wav files) when keywords are encountered in a document. For example, as shown in the sample database above, and as illustrated in the GUI 300 of FIG. 3, when the word "eagle" is encountered in the document, an image representing the bitmap file "eagle.bmp" is displayed in the image window 330. According to the present embodiment, the image window 330 continues to display the image until anext keyword is encountered. Similarly, when the keyword "Frank" is encountered, the image file "frank.bmp" will be displayed, and when the keyword "parrot" is encountered, the image file "parrot.bmp" will be displayed. **[Kiraly, col. 11, lines 20-56]**

B.2. Claim 13 Features not shown by Kiraly

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, as they are in the claims. *In re Bond*, 910 F .2d 831,832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. Kalman v. Kimberly-Clark Corp., 713 F .2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Kiraly does not teach every element of the

claimed invention arranged as they are in Claim 13. Specifically, Kiraly fails to teach either the parsing means or the presenting means of Claim 13, as such means are respectively recited.

The Current Office Action alleges that Kiraly teaches the Claim 13 parsing means, for parsing a document for a salient feature, at col. 9, lines 23-34 and item 420 of Fig. 4. In arguments previously set forth herein, in regard to Step (1) of Claim 1, Applicants discussed teachings of Kiraly that included the above sections. Based on the full and entire teachings of Kiraly, this discussion concluded that the Kiraly teachings fail to disclose parsing a document for one or more salient features. Applicants apply this same discussion and conclusion in support of the parsing means of Claim 13.

Regarding the presenting means of Claim 13, the Current Office Action alleges that such means is disclosed by Kiraly at col. 10, lines 53-67, col. 11, lines 20-25 and item 460 of Fig. 4, respectively shown above. These sections refer to "keywords". However, as more specifically taught at col. 10, lines 56-57 and col. 11, lines 44-51, "keywords" in Kiraly are merely words or phrases that can have images or sounds associated with them. When one of such keywords is encountered in Kiraly, during the sequential scan of document text, the associated image or sound is presented to a user.

It is readily apparent that such keywords are not salient, or prominent features, such as could be used in providing a user with an overview or summary of a document. Accordingly, these teachings of Kiraly do not show the presenting means of Applicants' Claim 13, directed to presenting a salient feature in a non-visual manner, in response to locating the feature within the document.

For at least the above reasons, Claim 13 is neither anticipated by nor obvious in view of Kiraly et al., and should be allowable in its present form.

B.3. Claims 19 and 23 Distinguish over Kiraly

Claims 19 and 23 are respectively directed to subject matter similar to that of Claim 13, and are considered to distinguish over Kiraly et al. for the same reasons given in support thereof.

For at least all of the above reasons, Applicants respectfully submit that Kiraly et al. does not teach or suggest all of the features of Claims 19 and 23.

B.4. Claims Dependent upon Claims 13, 19 and 23

At least by virtue of their dependency on Claims 13, 19 and 23, respectively, Kiraly et al. does not teach or suggest the features of dependent Claims 15-17, 21 and 33-34.

At least for all of the above reasons, it is respectfully requested that the Board reverse the Examiner's rejection of Claims 13, 15-17, 19, 21, 23 and 33-34.

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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A method in a data processing system for presenting content in a document, the method comprising the steps of:

parsing the document for one or more salient features that collectively provide an overview of the document;

initially presenting the document overview to a user in a manner other than visually, the presented overview comprising only the collective salient features and excluding any other portions of the document; and

presenting a particular one of the other document portions to the user only in response to a request from the user for the particular portion.

2. The method of claim 1 further comprising:

presenting the document overview to the user only after the user requests said overview presentation.

4. The method of claim 1, wherein the salient feature is at least one of bold text, italicized text, underlined text, text having a selected font size, and text having a selected color.

5. The method of claim 1, wherein the salient feature is presented in an audible manner.

6. The method of claim 1, wherein the salient feature is presented in a tactile manner.

7. The method of claim 1, wherein the document is at least one of an extensible markup language document, a hypertext markup language, and a resource description file.

8. The method of claim 7, wherein the resource description file is one of a resource description format file or an extensible markup language schema file.

9. The method of claim 7, wherein the markup language is at least one of hypertext markup language and resource description framework.

10. The method of claim 1, wherein the presenting step presents the salient feature by highlighting the salient feature within the document instead of presenting the salient feature in a manner other than visually.

11. The method of claim 1, wherein the salient feature is indicated within the document.

13. A data processing system for presenting content in a document, the data processing system comprising:

parsing means for parsing the document for a salient feature;

presenting means, responsive to locating the salient feature within the document, for presenting the salient feature in a manner other than visually; and

determining means for determining whether to present additional portions of the document.

15. The data processing system of claim 13, wherein the salient feature is at least one of bold text, italicized text, underlined text, text having a selected font size, and text having a selected color.

16. The data processing system of claim 13, wherein the salient feature is presented in an audible manner.

17. The data processing system of claim 13, wherein the salient feature is presented in a tactile manner.

18. The data processing system of claim 13, wherein the document is a markup language document.

19. A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions;

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to parse a document for a salient feature, and upon locating a salient feature within the document, presents the located salient feature in a manner other than visually; and

the processing unit further executes the set of instructions to determine whether to present additional portions of the document.

21. The data processing system of claim 19, wherein the document is a markup language document using a markup language, which is at least one of hypertext markup language and resource description framework.

22. The data processing system of claim 19, wherein the presenting means presents the salient feature by highlighting the salient feature within the document instead of presenting the salient feature in a manner other than visually.

23. A computer program product in a computer readable medium for presenting content in a document, the computer program product comprising:

first instructions for parsing the document for a salient feature;

second instructions, responsive to locating the salient feature within the document, for presenting the salient feature in a manner other than visually; and

third instructions for determining whether to present additional portions of the document.

25. The method of Claim 1 further comprising:

receiving a request for a document having at least one salient feature; and

determining the at least one salient feature.

26. The method of claim 25 wherein determining the at least one salient feature further comprises at least one of receiving the at least one salient feature in a file; determining the at least one salient feature from XML tags; and analyzing the document for at least one of a title, a

heading, bold text, italicized text, underlined text, text in a selected color, text having a certain font size, and highlighted text.

27. The method of Claim 1 further comprising:

receiving a request for a document page; and

determining if a requested page contains at least one salient feature

33. The data processing system of Claim 13 further comprising:

analyzing means for analyzing content of a document for at least one salient feature;

denoting means for denoting the at least one salient feature separately from the analyzed content; and

sending means for sending the document and the separately denoted at least one salient feature to a user requesting the document.

34. The data processing system of claim 33 wherein the denoting means further comprises at least one of means for denoting the at least one salient feature in a file and means for denoting the at least one salient feature in XML tags.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.